

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHN C. HADDEN AND MOLLY D. HADDEN

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv246-LTS-RHW

STATE FARM FIRE & CASUALTY COMPANY

DEFENDANT

ORDER

Defendant State Farm Fire & Casualty Company (State Farm) filed a [6] Motion to Dismiss, based on Fed. R. Civ. P. 17 and 19, because certain mortgagees listed as additional insureds under the homeowners policy and believed to hold an interest in the property at the time of the loss were not joined as parties. Plaintiffs filed a [27] response indicating that the particular mortgagees named did not in fact have an interest in the property or insurance proceeds for the reason that all mortgage obligations or liens have been satisfied with respect to the two named entities. State Farm's [36] reply acknowledged these payments and withdrew its [6] motion, but reserved its rights to move to dismiss any other additional party (it identified the Small Business Administration specifically as a potential party in interest).

Because of the withdrawal, the Court considers the [6] Motion to Dismiss as terminated, and there has been no subsequent similar motion filed. It appears that the deadlines for amended pleadings and joinder of parties established in the [12] Scheduling/Case Management Order have passed. This matter should be addressed by the United States Magistrate Judge at the next appropriate opportunity.

Accordingly, **IT IS ORDERED:**

State Farm's withdrawal of its [6] Motion to Dismiss **TERMINATES** said motion.

SO ORDERED this the 16th day of November, 2006.

s/ L. T. Senter, Jr.
L. T. Senter, Jr.
Senior Judge